

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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FIFTY-FIRST LEGISLATIVE DAY  
TUESDAY, MARCH 2, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Keough, absent and formally excused by the Chair; and Senators Fulcher, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Kelsey Kinkle, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 1, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 2, 2010

The JUDICIARY AND RULES Committee reports that [S 1386](#) and [S 1387](#) have been correctly printed.

DARRINGTON, Chairman

[S 1386](#) and [S 1387](#) were referred to the State Affairs Committee.

Senator Pearce was recorded present at this order of business.

March 1, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1297](#) was delivered to the Office of the Governor at 2:10 p.m., March 1, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 1, 2010

The HEALTH AND WELFARE Committee reports out [H 469](#), [H 484](#), [H 494](#), and [HCR 39](#) with the recommendation that they do pass.

LODGE, Chairman

[H 469](#), [H 484](#), and [H 494](#) were filed for second reading.

[HCR 39](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2010

The HEALTH AND WELFARE Committee reports out [H 468](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

LODGE, Chairman

[H 468](#) was filed for second reading.

Senator Stegner was recorded present at this order of business.

March 1, 2010

The JUDICIARY AND RULES Committee reports out [H 444](#), as amended, with the recommendation that it do pass.

DARRINGTON, Chairman

[H 444](#), as amended, was filed for second reading.

March 2, 2010

The EDUCATION Committee reports out [H 493](#) and [H 544](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 493](#) and [H 544](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

Senator Fulcher was recorded present at this order of business.

March 2, 2010

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Emma Lou Atchley of Ashton, Idaho, was appointed as a member of the State Board of Education to serve a term commencing March 1, 2010, and expiring March 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

March 1, 2010

Dear Mr. President:

I transmit herewith [H 492](#), [H 496](#), [H 522](#), [H 579](#), [H 425](#), [H 478](#), [H 550](#), and [H 508](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 492](#), [H 496](#), [H 522](#), [H 579](#), [H 425](#), [H 478](#), [H 550](#), and [H 508](#) were filed for first reading.

March 1, 2010

Dear Mr. President:

I return herewith [S 1267](#), [S 1287](#), and [S 1308](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1267](#), [S 1287](#), and [S 1308](#) were referred to the Judiciary and Rules Committee for enrolling.

March 1, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 422](#), [H 432](#), and [H 430](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 422](#), [H 432](#), and [H 430](#) and ordered them returned to the House.

March 1, 2010

Dear Mr. President:

I return herewith Enrolled [S 1256](#) and [S 1257](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1256](#) and [S 1257](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1388

#### BY FINANCE COMMITTEE

#### AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2011; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

#### S 1389

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-113, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-115, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 49-123, IDAHO CODE, TO DEFINE "LOW-SPEED VEHICLE," TO DEFINE "MEDIUM-SPEED ELECTRIC VEHICLE" AND TO DELETE A DEFINITION; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE FOR AN ANNUAL REGISTRATION FEE FOR CERTAIN VEHICLES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-663, IDAHO CODE, TO PROVIDE FOR THE RESTRICTED USE OF LOW-SPEED VEHICLES; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-663A, IDAHO CODE, TO PROVIDE FOR THE RESTRICTED USE OF MEDIUM-SPEED ELECTRIC VEHICLES; AND AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

#### S 1390

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING SECTION 5-337, IDAHO CODE, TO DELETE PROVISIONS RELATING TO IMMUNITY FROM CIVIL DAMAGES FOR CERTAIN PERSONS OR ENTITIES WHO ACQUIRE OR MAINTAIN A DEFIBRILLATOR.

#### S 1391

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES SYSTEM AUTHORITIES; AMENDING TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 59, TITLE 31, IDAHO CODE, TO PROVIDE PURPOSE AND FUNCTION, TO PROVIDE FOR THE ESTABLISHMENT OF AN EMSS AUTHORITY, TO PROVIDE FOR THE FORMATION OF AN EMSS AUTHORITY BOARD, TO PROVIDE FOR ELECTION OF AN EMSS AUTHORITY BOARD AND FOR NOTICE, TO PROVIDE FOR REINSTATEMENT OF THE BOARD OF COUNTY COMMISSIONERS AS THE EMSS AUTHORITY BOARD BY PETITION, TO PROVIDE FOR THE NAME OF THE EMSS AUTHORITY BOARD, TO PROVIDE BOUNDARIES OF THE EMSS AUTHORITY, TO PROVIDE FOR CONSOLIDATION OF EMSS AUTHORITIES, TO PROVIDE FOR EMSS AUTHORITY EMPLOYEES, TO PROVIDE FOR AN EMSS AUTHORITY FUND, TO PROVIDE POWERS OF THE EMSS AUTHORITY BOARD, TO PROVIDE FOR ORGANIZATIONS SUBJECT TO THE EMSS AUTHORITY,

TO PROVIDE FOR REVIEW AND DETERMINATION OF EMS AGENCIES, TO PROVIDE FOR CHANGE IN EMS AGENCY SERVICES, TO PROVIDE FOR LICENSED AIR MEDICAL SERVICES, TO PROVIDE FOR AN OPERATIONS AND FINANCE PLAN, TO PROVIDE FOR A PENALTY FOR FAILURE TO FILE AN OPERATIONS AND FINANCE PLAN, TO PROVIDE FOR PUBLIC PARTICIPATION IN THE PLANNING PROCESS, TO PROVIDE APPLICABILITY OF NATIONAL AND STATE STANDARDS, TO PROVIDE FOR EMS AGENCY COMPLIANCE, TO PROVIDE TERMS OF OFFICE FOR EMSS AUTHORITY BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF EMSS AUTHORITY BOARD VACANCIES AND FOR EXPANSION OF THE EMSS AUTHORITY BOARD, TO PROVIDE FOR COMPENSATION AND EXPENSES OF EMSS AUTHORITY BOARD MEMBERS, TO PROVIDE FOR THE EMSS AUTHORITY TO ADOPT FEES AND FOR VOLUNTARY CONTRIBUTIONS, TO PROVIDE FOR JOINT POWERS, INTERAGENCY AND MUTUAL AID AGREEMENTS AND FOR FEES FOR SERVICE OUTSIDE THE EMSS AUTHORITY, TO PROVIDE FOR A CAPITAL IMPROVEMENT ACCOUNT, TO PROVIDE A PROHIBITION ON EMS AGENCY SERVICE CHANGES AND FOR AN EXCEPTION, TO PROVIDE FOR CRITICAL CARE INTERFACILITY TRANSFER OF PATIENTS BETWEEN HOSPITALS, TO PROVIDE FOR INTERFACILITY TRANSFER BY LICENSED AIR MEDICAL SERVICES, TO PROVIDE FOR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES, TO PROVIDE DISCRETION OF THE EMSS AUTHORITY BOARD TO REQUIRE CERTAIN CONDITIONS, TO PROVIDE A PENALTY FOR FAILURE TO OBTAIN A CERTIFICATE OF COMPLIANCE, TO PROVIDE FOR EMERGENCY RESOLUTIONS AND MORATORIUMS, TO PROVIDE FOR MEDIATION OF CERTAIN DISPUTES, TO PROVIDE FOR THE PURPOSES OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR THE FORMATION OF A MEDICAL DIRECTORATE, TO PROVIDE FOR BINDING DECISIONS OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR THE NAME OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MANAGEMENT AND OPERATION OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MEETINGS OF THE MEDICAL DIRECTORATE AND FOR ACTIONS OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MEDIATION BY THE IDAHO EMS PHYSICIAN COMMISSION AND TO PROVIDE FOR THE PROVISION OF EMS SERVICES THROUGH CONTRACT; AMENDING SECTION 31-1429, IDAHO CODE, TO REQUIRE CONSENT BY THE EMSS AUTHORITY BOARD FOR WITHDRAWAL OF A FIRE DISTRICT THAT IS A PROVIDER OF AMBULANCE SERVICES; AMENDING SECTION 31-1430, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION; AMENDING SECTION 31-1434, IDAHO CODE, TO REVISE THE DISTRIBUTION OF PROPERTY AND USE OF FUNDS OF A DISSOLVED FIRE PROTECTION DISTRICT; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1438, IDAHO CODE, TO PROVIDE A PROHIBITION FROM CHARGING THE EMSS AUTHORITY FOR RESPONSES; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1439, IDAHO CODE, TO PROVIDE FOR CONFORMING WITH THE EMSS AUTHORITY RATE SETTING DECISIONS; AMENDING SECTION 31-3901, IDAHO CODE, TO REVISE QUALIFICATIONS TO PROCURE AN AMBULANCE AND FOR ESTABLISHING AN AMBULANCE SERVICE AND TO PROVIDE FOR

PROCURING OTHER RESOURCES NECESSARY TO OPERATE AN AMBULANCE; AMENDING SECTION 31-3902, IDAHO CODE, TO REVISE THE PURPOSES FOR USE OF THE AMBULANCE SERVICE FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3903, IDAHO CODE, TO PROVIDE A QUALIFICATION FOR THE OPERATION OF AN AMBULANCE SERVICE; AMENDING SECTION 31-3904, IDAHO CODE, TO REMOVE THE USE OF A CHARGED SCHEDULE OF FEES AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 31-3905, IDAHO CODE, TO REMOVE CERTAIN AUTHORITY TO ALLOW OPERATION OF AN AMBULANCE SERVICE AND TO PERMIT A SPECIAL TAX TO BE LEVIED WITHIN THE BOUNDARIES OF THE COUNTY; REPEALING SECTION 31-3906, IDAHO CODE, RELATING TO AMBULANCE SERVICE AND PERMITTING ADJACENT COUNTIES AND/OR PRIVATE INDIVIDUALS AND CORPORATIONS TO HAVE COOPERATIVE AGREEMENTS; AMENDING SECTION 31-3907, IDAHO CODE, TO REVISE THE FUND INTO WHICH CERTAIN PROCEEDS ARE TO BE DEPOSITED AND TRANSFERRED; AND AMENDING SECTION 31-3909, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TO WHOM AND FOR WHAT CERTAIN IMMUNITY IS TO BE PROVIDED AND TO MAKE TECHNICAL CORRECTIONS.

[S 1388](#), [S 1389](#), [S 1390](#), and [S 1391](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 492](#), [H 496](#), and [H 522](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 579](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 425](#), by Business Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 478](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 550](#), by Business Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 508](#), by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[H 446](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1376](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[S 1335](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Jorgenson, McKague, Pearce. Total - 3.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1335](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1341](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Keough. Total - 2.

Total - 35.

Whereupon the President declared [S 1341](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1312](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Keough. Total - 2.

Total - 35.

Whereupon the President declared [S 1312](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1371](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1371](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1373](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator McGee disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Lodge, McGee, McKague, Mortimer, Schroeder, Smyser, Winder. Total - 21.

NAYS—Bilyeu, Bock, Fulcher, Jorgenson, Kelly, LeFavour, Malepeai, McKenzie, Pearce, Siddoway, Stegner, Stennett (Stennett), Werk. Total - 13.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1373](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1370](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1370](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1295](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1295](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:01 p.m. until the hour of 11 a.m., Wednesday, March 3, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary